IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 15501 of 2007(U)

PETITIONER:

K.S.SREEKUMAR, AGED 41 YEARS,
S/O.KRISHNAN NAIR, 'UTHRAM', NALLOORVATTOM,
KULATHOOR PANCHAYATH.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR
SRI.PRABHU VIJAYAKUMAR
SRI.JOJO VARGHESE

RESPONDENTS:
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1. DEPUTY SUPERINTENDENT OF POLICE,
NEYYATTINKARA.

2. CIRCLE INSPECTOR OF POLICE, PARASSALA.

3. SUB INSPECTOR OF POLICE, POZHIYOOR
POLICE STATION.

4. SANTHOSH KUMAR, S/O.KRISHNAN NAIR,
VICE PRESIDENT, KULATHOOR PANCHAYATH,
RESIDING AST MANIKKAVILAKATHU VEEDU,
NELLOORVATTOM DESOM, NEYYATTINKARA.

5. THE SECRETARY, BLOCK PANCHAYATH &
BLOCK DEVELOPMENT OFFICER, PARASSALA BLOCK
PANCHAYATH.

6. PRESIDENT, PARASSLA BLOCK PANCHAYATH.

BY ADV. SRI.R.T.PRADEEP --- R4
GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 15501/2007 U

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE AGREEMENT DT. 25/08/2005.

EXT.P2. COPY OF THE LETTER DT. 18/1/2007.

EXT.P3. COPY OF THE FIR CRIME NO. 116/2006 ALONG WITH THE FINAL REPORT.

EXT.P4. COPY OF THE FIR IN CRIME NO. 81/06 ALONG WITH THE FINAL REPORT.

EXT.P5. COPY OF THE COMPLAINT PREFERRED BY THE PETITIONER DT. 18/4/07 BEFORE THE R3.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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K. BALAKRISHNAN NAIR & HARUN-UL-RASHID,JJ

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W.P.(C). NO. 15501 OF 2007

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Dated this the 23rd day of August, 2007.

JUDGMENT

Balakrishnan Nair,J

The petitioner has approached this Court seeking the following relief:

> i. issue a writ of mandamus or such other writ, direction or orders directing the respondents 1 to 3 to grant adequate protection to the life of the petitioner and his workers in completing the work granted by Ext.P1.

The facts of the case are the following:

2. The petitioner has been awarded the work of renovation of 'Nellikkulam" which is a pond in Kulathoor Gama Panchayat and also the work of repairing a pathway. Ext.P1 is the agreement executed by him as the convener of the Beneficiary Committee to do the said work. The petitioner submits that when he started to do the work, the 4th respondent, who is the Vice President of Kulathoor Gama Panchayat and also the

member representing the ward where the works are to be executed, started obstructing. So he moved the Parasala Block Panchayat. The Panchayat passed Ext.P2 resolution authorising the Secretary to take steps for protection for completing the work. There was a clash involving the petitioner and the 4th respondent in which both were injured . A crime has been registered against the petitioner by the police under Sections 323, 294 (b), 506(i) and 326 of IPC. The complaint filed by the petitioner, on being forwarded by the police to the concerned Magistrate, a crime has been registered against the 4th respondent also under Section 324 I.P.C. The final reports have been filed in both the cases under Section 173 Cr.P.C. The petitioner moved the police by filing Ext.P5 representation on 18.04.2007 seeking police protection for completing the work. Since no help was forthcoming, this writ petition is filed seeking the above quoted relief.

3. The 4th respondent has filed a counter affidavit stating that the petitioner herein is the benami of the Presidents of the Block Panchayat who are in office from time to time. When the

efforts were made to bill the work, without the work being completed, the 4th respondent raised objections. Infuriated by the same, the petitioner attacked him and he lost one tooth and three were damaged, it is submitted. So Ext.P4 crime was registered against him. The 4th respondent claims that he is a public spirited citizen and a social worker and in fact he requires protection from the petitioner who is a stout and healthy person. So he pressed for the dismissal of the writ petition. The 4th respondent also points out that the term of Ext.P1 agreement is already over and therefore no protection for doing the said work is necessary.

4. The dispute between the petitioner and the 4th respondent cannot be resolved by the police. When there was a clash between them, the police have acted and crimes were registered and investigated. The final reports were also filed. On the strength of any extension of the term of the contract, if the petitioner is legally authorised to do the work, the police shall ensure that the law and order is maintained and no unlawful obstruction is made to the execution of the work. If the 4th

respondent has got any grievance regarding the illegality in awarding or execution of the work, he will be free to move the competent authorities and also take all such actions including holding of demonstrations and meetings, necessary to bring the same to the notice of the public so that the same can be prevented, but he shall not venture to cause physical obstruction to the work. If it is found that there is any physical obstruction to any work which the petitioner is legally authorised to do, the police shall do the needful.

The writ petition is disposed of as above.

K. BALAKRISHNAN NAIR, JUDGE.

HARUN-UL-RASHID,JUDGE.

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